

DA 98-1680

Released: August 24, 1998

**VIA FACSIMILE AND FEDERAL EXPRESS**

Ralph P. Addington  
2844 West Weldon Avenue  
Phoenix, Arizona 85017

Re: Confidentiality Request of Ralph Pierce Addington

Dear Mr. Addington:

This letter responds to the August 17, 1998 request for confidential treatment of the information contained in Exhibit C of your FCC Form 175 application in the 220 MHz auction. Specifically, you request non-disclosure of financial information, submitted in support of your claim to "very small business" status. You contend that disclosure of information about the earnings of your UHF systems in the Phoenix, Arizona market could result in substantial competitive harm by informing competitors of the financial details of your operations.

We review requests for confidentiality and non-disclosure on a case-by-case basis. Section 0.459 of the Commission's rules requires an entity requesting confidential treatment to submit a statement of the reasons for withholding the materials from inspection and of the facts upon which those reasons are based. Mere conclusory or generalized allegations cannot support a request for nondisclosure. Rather, the submissions must show by a preponderance of the evidence that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

We find that your request does not meet the requirements set forth in Section 0.459 of the Commission's rules. Your statements that disclosure of the financial information in Exhibit C may result in substantial competitive harm are conclusory, and do not justify withholding from inspection materials that bear upon your qualifications to participate in the 220 MHz auction as a "very small business." See 47 C.F.R. Sections 90.1017, 90.1021, 90.1023, and 1.2105. Therefore, your request for confidentiality IS HEREBY DENIED.

Sincerely,

Amy J. Zoslov  
Chief, Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau

